

**II. REJECTION OF CLAIMS 37-42 UNDER 35 USC §102(b)**

Claims 37-42 stand rejected under 35 USC §102(b) based on *Kanota et al.* (previously cited by applicants). This rejection is respectfully traversed for at least the following reasons.

Claims 37-42 relate to a method/recording medium for recording information onto the recording medium. According to the present invention, data is scrambled by first generating scramble data which has a value which is *randomly determined*. Thereafter, a pseudo-random number sequence is generated in accordance with the randomly determined value of the scramble data. Next, scrambled data is generated by performing a logical operation on the pseudo-random number sequence and data (See, e.g., claims 37, 39 and 41).

In other words, the scrambled data which is used to generate the pseudo-random number sequence is itself randomly determined. Such feature is neither taught nor suggested in *Kanota et al.*

The Examiner relies on Fig. 10 of *Kanota et al.* as illustrating the subject matter recited in claims 37-42. Applicants note, on the other hand, that *Kanota et al.* describes a signal processing apparatus which utilizes a plurality of M series signal generators to scramble an input data signal. As is illustrated in Fig. 10, an input signal  $x(t)$  is scrambled (via a mod. 2 adder) using a particular M series signal generated with respect to each of the M series signal generators 116A-116D. As a result, a different scrambled data signal is produced by each of the M series signal generators.

*Kanota et al.* goes on to explain that one of the particular scrambled data signals is selected thereafter based on which signal has a DSV closest to 0, for example. (See, e.g., column 11, lines 19-41). Thus, *Kanota et al.* simply teaches carrying out conventional data scrambling in parallel using different respective M series via the respective generators 116A-116D, and then selecting the scrambled signal determined most desirable.

The Examiner may interpret one of the M series signal generators in *Kanota et al.* as representing a pseudo-random number sequence which is used to scramble the input data by performing a logical operation on the pseudo-random number sequence

and the input data. However, we note in such case that there is *no generating of scramble data having a value which is randomly determined* that the M series signal generator then uses to generate the particular pseudo-random number sequence of the M series signal generator.

Consequently, *Kanota et al.* does not teach or suggest the method or recording medium recited in claims 37-42. Each of independent claims 37, 39 and 41 recite the feature of scramble data which has a value that is randomly determined being used to generate the pseudo-random number that is then used to scramble the data by logical operation. *Kanota et al.* does not teach or suggest such feature as explained above. Therefore, claims 37-42 also may be patentably distinguished over the teachings of *Kanota et al.*

Withdrawal of the rejection is respectfully requested.

### **III. REQUEST FOR INTERVIEW**

In view of the special circumstances surrounding this application being a reissue application, applicants respectfully request that the Examiner contact the undersigned to arrange for a mutually convenient time to conduct an interview prior to a next Office Action. Applicants believe such interview would be helpful to facilitate prompt prosecution.

### **IV. CONCLUSION**

Accordingly, all claims 1-42 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

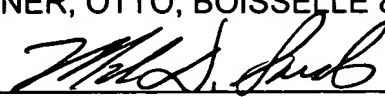
Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Serial No.: 09/844,740

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

RENNER, OTTO, BOISSELLE & SKLAR, LLP

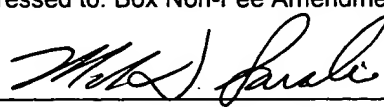
  
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DATE: March 5, 2002

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.

  
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